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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188449
Party	Defendant Las Vegas Sands Corporation
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Date	06/01/2009
Attachments	COTAISTRIPOpp91188449.pdf ( 5 pages )(377037 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Blue String Ventures, Inc.	)	Opposition No. 91188449
	)	
Opposer,	)	
	)	Serial No. 78/588,080
v.	)	Mark: COTAI STRIP
	)	
Las Vegas Sands Corporation	)	
	)	
Applicant.	)	

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**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Las Vegas Sands Corporation, by and through its undersigned attorneys, Duane Morris LLP, hereby answers the Notice of Opposition filed in this proceeding by Blue String Ventures, Inc. ("Opposer") as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore denies same.
2. Denies the allegations set forth in Paragraph 2 of the Notice of Opposition.
3. Denies the allegations set forth in Paragraph 3 of the Notice of Opposition.
4. Denies the allegations set forth in Paragraph 4 of the Notice of Opposition.
5. Denies the allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Denies the allegations set forth in Paragraph 6 of the Notice of Opposition.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of Paragraph 7 of the Notice of Opposition, and therefore denies same. Denies the remaining allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Denies the allegations set forth in Paragraph 8 of the Notice of Opposition.
  9. Denies the allegations set forth in Paragraph 9 of the Notice of Opposition.
  10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition, and therefore denies same.
  11. Denies the allegations set forth in paragraph 11 of the Notice of Opposition.
  12. Denies the allegations set forth in Paragraph 12 of the Notice of Opposition.
  13. Denies the allegations set forth in Paragraph 13 of the Notice of Opposition.
- Applicant denies the “WHEREFORE” clause and denies all other allegations not admitted above.

### **AFFIRMATIVE DEFENSES**

#### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. Opposer’s opposition is barred for failure to state a claim upon which relief may be granted.

#### **AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. Opposer’s opposition is barred by unclean hands. Applicant filed federal trademark Application Serial No. 78/588,080 for the mark COTAI STRIP in Class 039, among other classes, on March 16, 2005. More than three years later on November 25, 2008, Opposer filed federal trademark Application Serial No. 77/621,531 for the mark COTAISTRIP.COM in Class 039 (and Class 036). With knowledge of Applicant’s prior filing of Application Serial No. 78/588,080 covering identical goods in Class 039, Opposer fraudulently filed a declaration with

its Application Serial No. 77/621,531 and falsely asserted its belief that "no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive." Accordingly, Opposer's claims are barred by its own bad faith and unclean hands.

### **AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

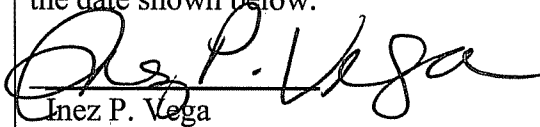
3. Opposer's opposition is barred by the equitable doctrine of estoppel. Opposer has opposed Applicant's trademark Application Serial No. 78/588,080 to register COTAI STRIP on the grounds that the trademark, as applied to certain goods/services including "arranging travel and tours," is primarily geographically descriptive under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 1052(e)(2), or, alternatively, primarily geographically deceptively misdescriptive under Section 2(e)(3) of the Trademark Act, 15 U.S.C. § 1052(e)(3). Yet, Opposer filed trademark Application Serial No. 77/621,531 to register COTAISTRIP.COM as a trademark for goods and services identical or related to those covered by Applicant's Application including "arranging travel and tours." Because a TLD, such as ".COM" does not add source identifying significance to a composite mark, see T.M.E.P. § 1215.04, Opposer applied to register the very same trademark that it now claims is primarily geographically descriptive or primarily geographically deceptively misdescriptive. Accordingly, Opposer's opposition is barred by the equitable doctrine of estoppel.

WHEREFORE, for all of the foregoing reasons, Applicant demands judgment:

1. Dismissing the Notice of Opposition in its entirety, with prejudice; and
2. Allowing Application Ser. No. 78/588,080 to proceed to registration.

Dated: New York, New York  
June 1, 2009

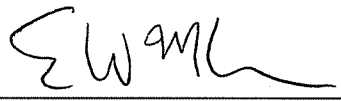
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on the date shown below.

  
Inez P. Vega

Dated: June 1, 2009

Respectfully submitted,

DUANE MORRIS LLP

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true copy of the foregoing Answer to Notice of Opposition to be served by e-mail and pre-paid, first-class mail, this 1st day of June, 2009 to:

Jonathan Bick, Esq.  
WolfBlock LLP  
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(973) 228-5700

A handwritten signature in black ink, appearing to read "E. W. McCormick", written over a horizontal line.

Eric W. McCormick